IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPELLANT(s):	D. Salgado et al.	CONF. NO.	5473
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TITLE:	METHOD AND APPARATUS FOR MANAGING SOFTWARE COPYRIGHT YEARS IN A MULTIPLE PLATFORM ELECTRONIC REPROGRAPHICS SYSTEM		
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REQUEST FOR PRE-APPEAL BRIEF CONFERENCE REVIEW

Applicant respectfully requests review of the Final Rejection mailed November 10, 2008 and the appeal in this application be reinstated. A prior Notice of Appeal was mailed on March 28, 2006.

Claim 1 is not an "omnibus type claim." An "omnibus type claim" as defined by MPEP §2173.05(r) is a claim that as reads a "device substantially as shown and described." However, claim 1 recites a "system manager being configured to." The term "configured" does not render the claim indefinite, as the claims identifies precisely what the system manger does. Therefore, claim 1 is not an omnibus type claim.

Claims 1-21 are directed to statutory subject matter pursuant to 35 U.S.C. §101. Claim 1 recites that the system is embodied on a "computer readable medium." The Examiner states that the subject of the claims are "at best, functional descriptive material *per se*." (Page 3, section 7, first paragraph, of Office Action mailed March 20,

2008). The Examiner correctly notes that when "functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized." (see page 3, section 7, second paragraph of Office Action mailed March 20, 2008.) Thus, as claim 1 recites that the "system" is embodied on a "computer readable medium", it is submitted that, at least for this reason, the claim is directed to statutory subject matter.

Claim 3 recites a method for managing attribute data. In this respect, the claim recites that the data is collected and displayed for the user to manage the data. There is clearly a tangible result from the steps recited in the claim. The steps recited in claim 3 are clearly a series of steps to be performed to achieve a useful, concrete and tangible result of managing attribute data in a multiple platform architecture. Claim 20 recites that the multiple platforms comprise document processing apparatus. Document processing apparatuses are clearly physical articles and qualify as statutory subject matter. Claim 12 recites that the software copyright information managing system is embodied on a computer readable medium. Thus, the subject matter of claim 12 falls within the classes of statutory subject matter. Claim 12 also recites a software copyright information managing **"system"** for managing software copyright data in a multiple platform electronic architecture. The system includes a **"system controller"** and a **"user interface",** both of which are physical articles and clearly fall within the plain meaning of statutory subject matter defined by 35 U.S.C. §101. Claim 13 recites a "memory" for storing. Claim 14 recites a specific type of memory for storing certain types of data. Again, the type of memory is within the meaning of 35 U.S.C. §101 and is not considered non-statutory. Therefore, the claims are directed to statutory subject matter.

Claims 1-2 are not anticipated by Fujiwara under 35 USC §102(e). Fujiwara merely discloses that copyright data pertaining to the software that is stored on a client 120 is

maintained in a registry 355. Applicant recites colleting copyright data from "multiple platforms." Fujiwara is only concerned with the software that is loaded onto a single client, and is absolutely silent as to collecting attribute data such as copyright data from "multiple platforms" as is recited by Applicant in the claims.

Although, Fujiwara discloses that the structure and configuration of the individual software programs included in the client registries 355 can be view and accessed by a system user displaying client registries 355 (Col. 6, lines 49-53), Fujiwara does not disclose or suggest a system manager that "collects" copyright data pertaining to software from "multiple platforms". The "miscellaneous information 918" of Fujiwara is precisely the type of "copyright data pertaining to software" that is collected by the "system manager" recited in claim 1. The client 120 of Fujiwara does not "collect" copyright data from "multiple platforms." Rather, the client 120 of Fujiwara maintains the registry 355 that includes relevant information related to the various software programs and modules residing on client 120. (Col. 6, lines 25-31). Thus, the client 120 of Fujiwara only has copyright information related to the software stored on that client 120. Claim 1 recites "collecting" copyright data pertaining to software "from multiple platforms." Client 120 of Fujiwara does not "collect" copyright data. Fujiwara only discloses that a registry 355 is modified, or a substitute registry 825 created, to reflect the new updated status of software programs residing on client 120. (Col. 6, lines 53-56). Client 120 does not "collect" from "multiple platforms" as claimed by Applicant. Thus, at least this feature is not anticipated by Fujiwara.

There is also no disclosure in Fujiwara related to processing the copyright data into a "list" as is claimed by Applicant. FIG. 9 and Col. 10, lines 3-6 only discloses that the miscellaneous information can include a copyright notice. The fact that the download module 430 preferably performs a comparison procedure between one or more downloaded files 420 listed on the network page 410 and the software programs currently installed on client 120 is not the same as and does not disclose collecting attribute data including copyright data, recognizing the copyright data and processing the copyright data into a list as is claimed by Applicant.

Claim 1 also recites that the selected attribute data in the "list" is displayed to the user. There is no such disclosure in Fujiwara. All that is disclosed in Fujiwara is that details of the individual software programs included in client registries 355 can be viewed and accessed.

Since each and every element of claim 1 is not explicitly found in Fujiwara, claim one cannot be anticipated. Claims 2 and 16-20 should be allowable at least by reason of their respective dependencies.

Claims 3-21 are not unpatentable over Fujiwara in view of Schwarz, Jr. under 35 USC §103(a). The combination of Fujiwara and Schwarz, Jr. does not disclose or suggest each element recited by Applicant in the claims, there is no motivation to combine the references and the references are non-analogous art.

The combination of Schwarz with Fujiwara does disclose or suggest each feature of Applicant's claimed invention. Schwarz, Jr. is directed to sending a job ticket from a client to a print server. The print server determines a printer for the job and sends a "token" back to the client that includes the network address and name of the printer. The client can then send the print job directly to the assigned printer. (Abstract, lines 1-8). Nothing in this is similar to "polling" platforms for attribute data, "collecting" the attribute data and "displaying" the collected data on a user display as claimed by Applicant. The fact that Schwarz Jr polls the available printer devices for availability and current work load is not the same as collecting" attribute data in a manner as is claimed by Applicant.

The Examiner states that Schwarz may be relied upon because Schwarz's teachings would have allowed Fujiwara's method to minimize network loads, while providing central printer control. This is speculative.

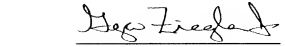
Claim 3 recites a method for managing attribute data in a multiple platform architecture. The method includes polling at least two platforms for attribute data;

collecting the attribute data from the at least two platforms in response to the step of polling; and displaying the collected attribute data on a user display. The combination of Fujiwara and Schwarz, Jr. does not disclose or suggest these claimed features. Schwarz, Jr. does not disclose polling and collecting attribute data, and then displaying the collected attribute data. In Schwarz, Jr. the server 14 determines that a printer is available. (Col. 5, line 67-Col. 6, line 1. The server 14 can then send a token to the requesting client. (Col. 6, lines 3-5). There is no disclosure in Schwartz, Jr. related to collecting and storing attribute information as claimed by Applicant. Schwarz, Jr. merely polls available print devices and determines if there is a compatible device online. This is not what is claimed by Applicant. The combination of Schwarz, Jr. with Fujiwara does not overcome the above noted deficiencies.

Schwarz, Jr. cannot be combined with Fujiwara for purposes of 35 U.S.C. §103(a) and the combination of references does not disclose or suggest each element recited in the claims. Therefore, a *prima facie* case of obviousness cannot be established. Claim 12 is not unpatentable for similar reasons. Claims 4-11 and 13-21 are also not unpatentable at least be reason of their respective dependencies.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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